

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) 2:12-CR-383-JCM-(CWH)
HOSAM SAAD AL-BADERI,)
OCTAVIO CESAR AREVALO, and)
PORFIRIO INFANTE-CERVANTES,)
Defendants.)

FIRST AMENDED FINAL ORDER OF FORFEITURE

On March 24, 2014, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 18, United States Code, Section 982(a)(1) based upon the plea of guilty by defendant HOSAM SAAD AL-BADERI to the criminal offense, forfeiting the property set forth in the Plea Agreement and shown by the United States to have the requisite nexus to the offense to which defendant HOSAM SAAD AL-BADERI pled guilty. Second Superseding Information, ECF No. 83; Plea Agreement, ECF No. 85; Change of Plea, ECF No. 86; Preliminary Order of Forfeiture, ECF No. 92.

On July 3, 2014, the United States District Court for the District of Nevada entered an Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 21, United States Code, Section 853(a)(1) and (a)(2) based upon the plea of guilty by defendant PORFIRIO INFANTE-CERVANTES to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Superseding Indictment and shown by

1 the United States to have the requisite nexus to the offense to which defendant PORFIRIO INFANTE-
2 CERVANTES pled guilty. Criminal Superseding Indictment, ECF No. 11; Change of Plea, ECF, No.
3 109; Plea Agreement, ECF No. 110; Amended Preliminary Order of Forfeiture, ECF No. 116.

4 On July 15, 2014, the United States District Court for the District of Nevada entered a
5 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 21, United
6 States Code, Section 853(a)(1) and (a)(2) based upon the plea of guilty by defendant OCTAVIO
7 CESAR AREVALO to the criminal offense, forfeiting the property set forth in the Plea Agreement
8 and the Forfeiture Allegation of the Criminal Superseding Indictment and shown by the United States
9 to have the requisite nexus to the offense to which defendant OCTAVIO CESAR AREVALO pled
10 guilty. Criminal Superseding Indictment, ECF No. 11; Change of Plea, ECF No. 118; Plea
11 Agreement, ECF No. 119; Preliminary Order of Forfeiture, ECF No. 120.

12 This Court finds the United States of America published the notice of forfeiture, in regard to
13 HOSAM SAAD AL-BADERI, in accordance with the law via the official government internet
14 forfeiture site, www.forfeiture.gov, consecutively from March 27, 2014, through April 25, 2014,
15 notifying all potential third parties; and notified known third parties by personal service or by regular
16 mail and certified mail return receipt requested, of their right to petition the Court. Notice of Filing
17 Proof of Publication, ECF No. 105.

18 This Court finds the United States of America published the notice of forfeiture, in regard to
19 PORFIRIO INFANTE-CERVANTES, in accordance with the law via the official government internet
20 forfeiture site, www.forfeiture.gov, consecutively from July 9, 2014, through August 7, 2014,
21 notifying all potential third parties and notified known third parties by personal service, of their right
22 to petition the Court. Notice of Filing Proof of Publication, ECF No. 124.

23 This Court finds the United States of America published the notice of forfeiture, in regard to
24 OCTAVIO CESAR AREVALO, in accordance with the law via the official government internet
25 forfeiture site, www.forfeiture.gov, consecutively from July 18, 2014, through August 16, 2014,
26 notifying all potential third parties; and notified known third parties by personal service or by regular

1 mail and certified mail return receipt requested, of their right to petition the Court. Notice of Filing
2 Proof of Publication, ECF No. 126.

3 Margaret M. Stanish, Attorney for Hosam Al-Baderi and Chief Smokes, LLC was personally
4 served with the Notice and Preliminary Orders of Forfeiture on May 30, 2014, July 10, 2014, and July
5 22, 2014, by the United States Marshals Service. Notice of Filing Service of Process, ECF No. 125, p.
6 2-26.

7 Chief Smokes, LLC c/o Hosam Al-Baderi was unable to be personally served with the Notice
8 and Preliminary Order of Forfeiture on April 11, 2014, by the United States Marshals Service as the
9 address appears to be vacant. Notice of Filing Service of Process, ECF No. 125, p. 27-35.

10 Margaret M. Stanish, Attorney for Hosam Al-Baderi (R.A. and Managing Member of Coast 2
11 Coast Enterprises NV, LLC) was personally served with the Notice and Preliminary Orders of
12 Forfeiture on May 30, 2014, July 10, 2014 and July 22, 2014 by the United States Marshals Service.
13 Notice of Filing Service of Process, ECF No. 125, p. 36-60.

14 Coast 2 Coast Enterprises NV, LLC c/o Hosam Al-Baderi Registered Agent and Managing
15 Member was unable to be personally served with the Notice and Preliminary Order of Forfeiture on
16 April 11, and April 16, 2014, by the United States Marshals Service as the current resident stated they
17 would give to the home owner but that Al-Baderi did not reside there anymore. Notice of Filing
18 Service of Process, ECF No. 125, p. 61-77.

19 This Court finds no petition was filed herein by or on behalf of any person or entity and the
20 time for filing such petitions and claims has expired.

21 This Court finds no petitions are pending with regard to the assets named herein and the time
22 for presenting such petitions has expired.

23 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
24 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
25 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
26 . . .

1 32.2(c)(2); Title 21, United States Code, Section 853(a)(1), (a)(2), and (n)(7) and shall be disposed of
2 according to law:

- 3 1. \$3,877.95 in United States Currency seized from JP Morgan-Chase Bank account
4 #xxxxx7631 in the name of Chief Smokes, LLC;
- 5 2. \$63,157.21 in United States Currency seized from JP Morgan-Chase Bank account
6 #xxxxxx2176 in the name of Hosam Al-Baderi;
- 7 3. \$940.06 in United States Currency seized from Mountain America Federal Credit
8 Union account #xxx4339 in the name of Hosam Al-Baderi;
- 9 4. \$743.35 in United States Currency seized from Mountain America Federal Credit
10 Union account #xxx1021 in the name of Coast 2 Coast Enterprises NV, LLC;
- 11 5. \$12,225.82 in United States Currency; and
- 12 6. 2008 Mercedes-Benz, Model CI63, bearing Utah license number 9745006, with
13 vehicle identification number WDDEJ77X28A015593, seized at the time of Mr. Al-
14 Baderi's arrest in Utah on October 23, 2012.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
16 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
17 income derived as a result of the United States of America's management of any property forfeited
18 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

19 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
20 certified copies to the United States Attorney's Office.

21 DATED January 6, 2015.

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24 
25 UNITED STATES DISTRICT JUDGE
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